

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MICHAEL WARREN and EVELYN WARREN,

Plaintiffs,

-against-

**DEFENDANTS’
PROPOSED
QUESTIONS FOR VOIR
DIRE**

08 CV 3815 (ARR) (RER)

THE CITY OF NEW YORK, a municipal entity;
NEW YORK CITY POLICE COMMISSIONER
RAYMOND KELLY; NEW YORK CITY POLICE
SERGEANT STEVEN TALVY (Shield No. 5408);
NEW YORK CITY POLICE OFFICER JOSEPH
TILLOTSON (Shield No. 30215; NEW YORK
CITY POLICE OFFICER JOHN ACCONI (Shield
No. 5075); NEW YORK CITY POLICE OFFICER
MIRABEL SARANTE (Shield No. 10211), NEW
YORK CITY POLICE OFFICER ANTHONY
CAROZZA (Shield No. 16222), individually and in
their official capacities; and JOHN DOES 1-10, New
York City Police Officers, Supervisors and/or
Commanders, individually and in their official
capacities,

Defendants.

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Defendants City of New York, Raymond Kelly, Joseph Tillotson, John Acconi, Maribel
Sarante, and Anthony Carozza (“defendants”), by their attorney Michael A. Cardozo,
Corporation Counsel of the City of New York, pursuant to Rule 47 of the Federal Rules of Civil
Procedure, respectfully submit the following proposed questions for *voir dire*:

1. If there is anything concerning any issue relating to your service as a juror which
you wish to discuss with the Court privately, please let me know now, or as soon as the issue
arises.

2. Please give your full name and address.

3. Are you currently employed? If yes, describe your position.
4. Any significant past employment?
5. If you are retired, please describe your last job.
6. Are you married or living with someone? If yes, what is that person's age and occupation?
7. Do you have children? How many? Ages? Occupations?
8. Please describe your educational background, including any degrees or technical training.
9. Have you or a member of your family, or household, or any close friend, ever been involved in a lawsuit? If yes, please describe what the suit was about and the outcome of the case.
10. Have you ever been a witness in a lawsuit? If yes, please describe the case and the nature of your testimony.
11. Have you ever served on a jury before? If so, please state the type of case (civil or criminal, and if criminal, the type of crime charged), whether it was in state or federal court, and if a verdict was reached (**do not tell us what the verdict was**).
12. Have you ever served on a Grand Jury? Did you actively participate in the deliberation process? Was your experience as a juror positive or negative?
13. Would you like to sit on a jury here? Why or why not? Would anything about your prior jury service affect your service on this case?
14. This trial will likely last for ten (10) days. Does that fact effect your ability or willingness to serve on this jury? If yes, why?

15. Do you have any family or close friends who are lawyers? If yes, please describe your relationship to that person and the type of law that person practices.

16. Have you or anyone in your family ever been employed by a local, state, or federal agency? If so, please describe. If so, would that prevent you from sitting impartially on this panel?

17. Has a family member or close friend ever worked for a New York City agency or? If yes, what position and when? Will that effect your ability to be impartial?

18. What is your perception of the New York City Police Department and its officers? Have you or a member of your family or a close friend ever had any interaction with any NYPD officers or employees? In what capacity? **(details can be explained outside the presence of other prospective jurors).**

19. Have you or a friend or family member ever filed a complaint against the City of New York or the New York City Police Department?

20. Do you have any bias against the New York City Police Department or any other law enforcement agency? If so, please explain.

21. Please describe your personal hobbies/interests.

22. What magazines/newspapers do you read on a regular basis?

23. How much do you use the Internet? For what purpose?

24. What television shows do you watch on a regular basis?

25. What, if any, organizations do you belong to? (*i.e.*, labor unions, business associations, literary or social clubs, etc.).

26. The plaintiffs in this case are Michael and Evelyn Warren. Do you know them?

27. The plaintiffs are represented by Jonathan Moore and Elise Logemann of the law firm of Beldock Levine & Hoffman, LLP? Do you know either or them or of their firm?

28. The defendants are Steven Talvy, Joseph Tillotson, John Acconi, Mirabel Sarante, and Anthony Carozza. Do you recognize/know any of them?

29. The defendants are represented by Arthur Larkin, Brian Ceballo, and Virginia Nimick. Do you know them?

30. The following individuals may be called as witnesses at trial. Do you know any of them?:

- a. John Devito;
- b. Nicholas Tricarrico;
- c. Steven Margaritis

31. Have you ever been to the 77th Police Precinct or in the vicinity of Atlantic Avenue and Vanderbilt Avenue in Brooklyn?

32. Have you or a close friend or family member ever been stopped and questioned by a police officer?

33. Have you or a close friend or family member ever been the victim of a crime? If yes, please explain (**can be done outside the presence of other prospective jurors**).

34. Do you believe that the fact that the plaintiffs have started this lawsuit and are here today for trial means that there must be at least some merit to the plaintiffs' allegations?

35. Do you believe that a person who is injured is entitled to compensation regardless of whether the injury is anyone's fault?

36. Do you have any reason to believe that anything in your life experience would tend to make you partial to one side or the other in this case?

37. Will you be able to deliberate solely based on the evidence presented at trial and not based on any other information?

38. If, after hearing all of the evidence and the instructions of the judge, you found that the plaintiffs may have been injured, but that plaintiffs failed to prove that their injuries resulted from any unlawful conduct by the defendants, would you hesitate to return a verdict for the defendants? If so, why?

39. Would you be able to apply the law as you are instructed to do by the judge?

40. Would you be able to evaluate each witness's credibility objectively, without bias or prejudice?

41. Plaintiffs have the burden to prove their case. This burden never shifts to the defendants. Do you believe that this burden being placed solely on the plaintiffs is fair? In light of this instruction, is there any reason why you could not follow this instruction when you begin deliberations?

42. If, after hearing the evidence and instructions of the judge, you found that the plaintiffs did not prove that they suffered any compensable damages, would you hesitate to return a verdict for plaintiffs in the amount of one dollar? If so, why?

43. Is there anything which has not been asked that you want to tell the Court which might be a factor in your ability to be fair and impartial in this case? You make speak to the Court and counsel privately if you wish.

Dated: New York, New York
May 3, 2012

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By: _____/s/_____
VIRGINIA J. NIMICK
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